

## HOUSE BILL NO. 587

INTRODUCED BY BERGREN, WAGMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT BENEFITS UNDER THE HIGHWAY PATROL OFFICERS', MUNICIPAL POLICE OFFICERS', OR FIREFIGHTERS' RETIREMENT SYSTEMS THAT ARE PAYABLE TO A DEPENDENT CHILD MUST BE PAID TO A TRUST IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 19-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 19-2-803, MCA, is amended to read:

**"19-2-803. Payment to custodian of minor beneficiary.** (1) ~~If~~ Except as provided in subsection (2), if any benefit from a system is payable to a minor, the benefit must be paid to one of the following:

- (a) a surviving parent, if any;
- (b) a parent awarded custody of the minor in a divorce proceeding;
- (c) a custodian designated under Title 72, chapter 26;
- (d) a guardian appointed pursuant to Title 72, chapter 5, part 2; or
- (e) a conservator appointed pursuant to Title 72, chapter 5, part 4.

(2) If any benefit payable from the highway patrol officers' retirement system under chapter 6 of this title, the municipal police officers' retirement system under chapter 9 of this title, or the firefighters' unified retirement system under chapter 13 of this title is payable to a statutory beneficiary who is a dependent child, as defined under the provisions of that system, of a system member and the system member has established a trust for the dependent child, then the benefit must be paid to the trustee of that trust.

~~(2)(3)~~ The payment must be in full and complete discharge and acquittance of the board and system on account of the benefit. The person receiving benefit payments pursuant to this section shall account to the minor for the money when the minor reaches the age of majority."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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